

LITIGATION SECTION
The State Bar of California

November 27, 2007

12 Noon – 1:00 p.m.

The State Bar of California

180 Howard Street, San Francisco, CA

1 Hour CLE

Inconvenient Truths or Convenient Untruths?
(When Entertainment and Politics Don't Mix)

A seminar on the recent UK "Al Gore" Film case

In February this year the UK Government announced that it would be distributing Al Gore's documentary "An Inconvenient Truth" to all secondary schools in Great Britain to "influence" children's thinking on the issue of climate change.

The decision raised eyebrows in many quarters, even environmentalists thought that the decision was questionable. However it took a lorry driver from Kent to mount a legal challenge to the decision. Mr Stuart Dimmock, a school governor and father of two, applied to the High Court for a 'judicial review' of the decision. He claimed it amounted to an attempt to place political propaganda into schools and was therefore unlawful.

Few gave him any chance of success. The test for judicial review is notoriously difficult to overcome and many felt that the Government's stance was in keeping with the present consensus on the issue of global warming. A judge looked at the application on paper and refused him permission commenting that he found the application "unarguable".

Against this background Mr Dimmock fought on and applied for a full oral hearing. Over four days his lawyers took the court through the film in detail and argued that it amounted to political propaganda and was inaccurate in a number of respects. The Judge, Mr Justice Burton agreed. He ruled that the distribution was a breach of the Education Act 1996 and insisted that it could only be shown with very strict guidelines pointing out all the inaccuracies in the film and warning teachers that it was politically one-sided. In a ground-breaking ruling he described the film as "exaggerated", "alarmist" and "one-sided".

This seminar will explain how the legal team overcame the obstacles in their way and persuaded the Judge that he could and should analyse the science of global warming.



Paul Downes heads the 2tg media and entertainment group and has acted for both claimants and defendants in the media and entertainment field including privacy & confidentiality, public law, defamation and transactional based disputes. His leading cases include *In Motion v Palau*; and *Venture Investments v Hall*.

Paul Downes is recommended by Chambers and Partners, describing him as "Aggressive, thorough, and good to work with". In relation to urgent injunctive relief many firms regard him as second to none.

Paul was lead counsel for Mr Dimmock in this case.



Emily Saunderson practices in media law and was, before coming the bar, a journalist in the financial sector. Emily was called to the bar in 2005 and she has a general commercial practice but with some US experience involving a corporate dispute in a joint

UK/US venture start-up.

Emily was junior counsel for Mr Dimmock in this case and had particular responsibility for analysing the IPCC 4th Assessment and advising on the extent to which the film departed from the scientific consensus.

She also had a particular focus on the educational aspects of the case.